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| 10/067,186      | 02/04/2002  | David P. Parks       | 2577                | 7122             |

7590 01/16/2008  
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| EXAMINER |
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PHAM, MINH CHAU THI

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1797

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                               |                              |  |
|------------------------------|-------------------------------|------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/067,186 | Applicant(s)<br>PARKS ET AL. |  |
|                              | Examiner<br>Minh-Chau T. Pham | Art Unit<br>1797             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,5-19 and 65-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5-19 and 65-78 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 102***

Claims 1, 65, 66, 70 and 72 are rejected under 35 U.S.C. 102(b) as being anticipated by Giannetta et al (6,334,881 B1).

Giannetta et al teaches a filtration bag for a commercial and residential vacuum cleaner comprising a receptacle for collecting dirt particles and the receptacle being formed from a composite sheet comprised of at least one layer of expanded polytetrafluoroethylene and at least one substrate layer (see Abstract, col. 1, lines 10-14; col. 2, lines 58-62), and a support layer comprising a synthetic fibers which is non-woven polyester, polypropylene, polyethylene, fiberglass or microfiberglass, bonded to one side of a porous expanded PTFE membrane (col. 2, lines 31-33 and lines 58-62, col. 3, lines 52-56). Giannetta et al further teaches the substrate layer is the outer layer and the ePTFE layer is the inner layer (see col. 3, lines 59-63). It is inherently well understood that the ePTFE is a filtration media which has the filtering 99.7% of particles 0.3 microns or larger (see Applicant's admission in claim 65 as "at least one layer of filtration media for filtering 99.7% of particles 0.3 microns or larger, or expanded polytetrafluoroethylene").

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 5-11, 13, 14, 16-19, 67-69, 71, 73, 74 and 76-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giannetta et al (6,334,881 B1), as applied *supra*, in view of any one of Requejo et al (5,090,975), Zhang (6,156,086) and Bosses

(5,080,702), and further in view of Maeoka et al (6,030,484; Abstract; col. 1, lines 5-10, lines 29-35 and line 61 through col. 2, line 15; col. 2, lines 26-29) and Wnenchak et al (6,110,243).

Any one of Requejo et al, Zhang and Bosses discloses a filtration bag for a floor care appliance comprising a closed receptacle for collecting dirt particles having an inlet opening for allowing a dirt laden air stream to enter. Requejo et al further disclose the bag comprising cellulose or synthetic fibers such as polyolefin, and the front panel portion and bottom panel portion sealed together by folding and an adhesive for by mechanical means such as sewing or by thermal bonding (Abstract; 22, 23 & 24 in Fig. 2; col. 1, lines 15-24; col. 7, lines 40-56). Zhang discloses the filter bag comprising polyolefin and the sidewalls of bag are joined by seams via thermal bonding method (Abstract; col. 3, line 35 through col. 4, line 9; col. 8, lines 51-58). Bosses discloses the filter bag can be made out of wood paper, hemp paper or any other filter paper or fabric well-known in the art (Fig. 1; col. 3, line 56-66; col. 4, lines 19-20). Bosses further discloses a vacuum cleaner comprising a suction nozzle, a motor fan assembly and a filtration bag. Either Requejo et al or Zhang discloses a method of making a filtration bag comprising the steps of providing a sheet of composite material, folding sheet of composite material, sealing together respective edges by a seam, and providing an aperture in a front sidewall of the receptacle wherein a dirt laden air stream enters. Both Maeoka et al (Abstract; col. 1, lines 5-10, lines 29-35 and line 61 through col. 2, line 15; col. 2, lines 26-29) and Wnenchak et al (col. 4, lines 7-46) disclose an air filter comprising a laminate of non woven fabric made up of polyolefin or polyester fibers or a

composite of the non woven fabrics and a PTFE porous film. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the filtration bag of either Giannetta et al or George et al with a filtration bag as taught by any one of Requejo et al, Zhang and Bosses with a layer of PTFE film as taught by either Maeoka et al or Wnenchak et al since ePTFE is well known in the art that filter media made from thin membrane of ePTFE, which is particularly light weight and flexible, air flow through the filter element is very high relative to conventional laminated materials and, accordingly, very low energies are required to dislodge the collected dirt from its surface.

Claims 12 and 15 call for the filter bag being square. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the filter bag being square, rectangular, or any other desired shape since it is well settled that mere change of shape without affecting the function of the part would have been an obvious design modifications. Eskimo Pie Corp v. Levous et al 3 USPQ 23.

***Response to Amendment***

Applicant argues that the primary reference does not disclose "the filter media layer in conjunction with a substrate layer". The Examiner respectfully disagrees. Giannetta et al teaches a filtration bag for a commercial and residential vacuum cleaner comprising a receptacle for collecting dirt particles and the receptacle being formed from a composite sheet comprised of at least one layer of expanded polytetrafluoroethylene and at least one substrate layer (see Abstract, col. 1, lines 10-14; col. 2, lines 58-62), and a support layer comprising a synthetic fibers which is non-

woven polyester, polypropylene, polyethylene, fiberglass or microfiberglass, bonded to one side of a porous expanded PTFE membrane (col. 2, lines 31-33 and lines 58-62, col. 3, lines 52-56). Giannetta et al further teaches the substrate layer is the outer layer and the ePTFE layer is the inner layer (see col. 3, lines 59-63). It is inherently well understood that the ePTFE is a filtration media which has the filtering 99.7% of particles 0.3 microns or larger (see Applicant's admission in claim 65 as "at least one layer of filtration media for filtering 99.7% of particles 0.3 microns or larger, or expanded polytetrafluoroethylene").

The recitation "disposable" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

In response to Applicant's argument that "the instant disposable filtration bag has no such protective surface or screen material". The Examiner respectfully disagrees. In col. 3, lines 52-56, Giannetta teaches a support layer as a nonwoven textile of spunbond or melt blown polyester, polypropylene or polyethylene, which is clearly synthetic fibers, as claimed.

In response to Applicant's arguments regarding to the cited secondary references under the 103(a) rejections, any one of Requejo et al, Zhang and Bosses

clearly discloses a filtration bag for a floor care appliance comprising a closed receptacle for collecting dirt particles having an inlet opening for allowing a dirt laden air stream to enter. Requejo et al further disclose the bag comprising cellulose or synthetic fibers such as polyolefin, and the front panel portion and bottom panel portion sealed together by folding and an adhesive or by mechanical means such as sewing or by thermal bonding (Abstract; 22, 23 & 24 in Fig. 2; col. 1, lines 15-24; col. 7, lines 40-56). Zhang discloses the filter bag comprising polyolefin and the sidewalls of bag are joined by seams via thermal bonding method (Abstract; col. 3, line 35 through col. 4, line 9; col. 8, lines 51-58). Bosses discloses the filter bag can be made out of wood paper, hemp paper or any other filter paper or fabric well-known in the art (Fig. 1; col. 3, line 56-66; col. 4, lines 19-20). Bosses further discloses a vacuum cleaner comprising a suction nozzle, a motor fan assembly and a filtration bag. Either Requejo et al or Zhang discloses a method of making a filtration bag comprising the steps of providing a sheet of composite material, folding sheet of composite material, sealing together respective edges by a seam, and providing an aperture in a front sidewall of the receptacle wherein a dirt laden air stream enters. Both Maeoka et al (Abstract; col. 1, lines 5-10, lines 29-35 and line 61 through col. 2, line 15; col. 2, lines 26-29) and Wnenchak et al (col. 4, lines 7-46) disclose an air filter comprising a laminate of non woven fabric made up of polyolefin or polyester fibers or a composite of the non woven fabrics and a PTFE porous film. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the filtration bag of either Giannetta et al or George et al with a filtration bag as taught by any one of Requejo et al, Zhang and

Bosses with a layer of PTFE film as taught by either Maeoka et al or Wnenchak et al since PTFE is well known in the art that filter media made from thin membrane of ePTFE, which is particularly light weight and flexible, air flow through the filter element is very high relative to conventional laminated materials and, accordingly, very low energies are required to dislodge the collected dirt from its surface.

Applicant's arguments with respect to claims 1, 5-19 and 65-78 have been thoroughly considered but are moot in view of the rejection, as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Minh-Chau Pham**  
**Patent Examiner**  
**Art Unit: 1797**  
**November 16, 2007**